

**RULES
OF
DEPARTMENT OF COMMUNITY HEALTH**

**111-2
HEALTH PLANNING**

**111-2-1
Administration**

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111-2-1-.01 Definitions.

(1) "Board" means the Board of Community Health, the body created under O.C.G.A. § 31-5A-3, appointed by the Governor, that establishes the general policy to be followed by the Department of Community Health.

(2) "Commissioner" means the commissioner of community health established under O.C.G.A. § 31-5A-6.

(3) "Department" means the Department of Community Health established under O.C.G.A. § 31-5A-4.(4) "Health Strategies Council" or "Council" as defined at O.C.G.A. § 31-6-2(10) means the body created by O.C.G.A. § 31-6-20, to advise the Department and adopt the State Health Plan.

(4) "Review Board" as defined at O.C.G.A. § 31-6-2(21) means the Health Planning Review Board created by O.C.G.A. § 31-6-44 to hear and make determinations regarding appeals of decisions of the Department related to applications for a Certificate of Need.

(6) "State Health Plan" as defined at O.C.G.A. § 31-6-2(23) means a comprehensive program adopted by the Health Strategies Council, approved by the Board of Community Health, and implemented by the State of Georgia for the purpose of providing adequate health care services and facilities throughout the State.

Authority O.C.G.A. §§ 31-5A *et seq.* and 31-6 *et seq.*

111-2-1-.02 Health Planning Functions of the Department.

(1) The Department is authorized to administer the health planning and certificate of need programs established under O.C.G.A. Title 6 and a state health plan adopted by the Health Strategies Council and approved by the Board. The Department shall provide by rule for procedures to administer its functions. As appropriate, the Commissioner may delegate the authority to administer any function or duty prescribed by law or these Rules to one or more authorized designees in the Division of Health Planning and the Office of General Counsel.

(2) The functions of the Department shall be:

(a) to conduct the health planning activities of the State and, within appropriations made available by the General Assembly and consistent with the laws of the State of Georgia, to implement such parts of the State Health Plan as may relate to State government;

(b) to prepare and revise a draft State Health Plan for submission to the Health Strategies Council for adoption and submission to the Board of Community Health;

(c) to assist the Health Strategies Council in its functions;

(d) to adopt, promulgate, and implement rules and procedures necessary to carry out the provisions of O.C.G.A. § 31-6 in accordance with O.C.G.A. § 50-13, the “Georgia Administrative Procedure Act.”

(e) to define the form, content, schedules, fees, and procedures for submission of applications for Certificates of Need and periodic reports;

(f) to establish time periods and procedures consistent with O.C.G.A. § 31-6 to hold hearings and to obtain the viewpoints of interested persons prior to issuance or denial of a Certificate of Need;

(g) to provide for such payment as may be necessary to share the costs of preparing the record for Certificate of Need appeals before the Review Board;

(h) to provide for a reasonable and equitable fee schedule for Certificate of Need applications; and

(i) to grant, deny, suspend, rescind, cancel, or revoke a Certificate of Need as applied for or as amended.

(j) to impose civil penalties as permitted or required by law for violation of these Rules and O.C.G.A. § 31-6.

Authority O.C.G.A. §§ 31-5A *et seq.* and 31-6 *et seq.*